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(Original Signature of Member)

112TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To strengthen and clarify the commercial, cultural, and other relations between the people of the United States and the people of Taiwan, as codified in the Taiwan Relations Act, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Ms. ROS-LEHTINEN introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To strengthen and clarify the commercial, cultural, and other relations between the people of the United States and the people of Taiwan, as codified in the Taiwan Relations Act, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Taiwan Policy Act of  
5       2011”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

1           (1) The Taiwan Relations Act (Public Law 96–  
2       8; 22 U.S.C. 3301 et seq.), enacted in 1979, here-  
3       after referred to as “the Act,” has continued for 32  
4       years to be the cornerstone of United States-Taiwan  
5       relations and has served as an anchor for peace and  
6       security in the Western Pacific region.

7           (2) The Taiwan Relations Act, in furthering the  
8       national interests of the United States in the West-  
9       ern Pacific region, has mandated that the United  
10      States will make available to Taiwan such defense  
11      articles and defense services in such quantity as may  
12      be necessary to enable Taiwan to maintain a suffi-  
13      cient self-defense capability, thus allowing the people  
14      of Taiwan to preserve a peaceful, democratic, and  
15      prosperous way of life.

16          (3) The future of Taiwan must be determined  
17      in a peaceful manner and with the assent of the peo-  
18      ple of Taiwan.

19          (4) The Taiwan Relations Act declares that—

20              (A) peace and stability in the Western Pa-  
21              cific area are in the political, security, and eco-  
22              nomic interests of the United States, and are  
23              matters of international concern;

24              (B) the United States decision to establish  
25              diplomatic relations with the People’s Republic

1 of China rests upon the expectation that the fu-  
2 ture of Taiwan will be determined by peaceful  
3 means;

4 (C) the United States considers any effort  
5 to determine the future of Taiwan by other  
6 than peaceful means, including by boycotts or  
7 embargoes, a threat to the peace and security  
8 of the Western Pacific area and of grave con-  
9 cern to the United States;

10 (D) the United States will maintain the ca-  
11 pacity to resist any resort to force or other  
12 forms of coercion that would jeopardize the se-  
13 curity, or the social or economic system, of the  
14 people on Taiwan; and

15 (E) the preservation and enhancement of  
16 the human rights of all the people on Taiwan  
17 are reaffirmed as objectives of the United  
18 States.

19 (5) In recent years United States–Taiwan rela-  
20 tions have suffered from inattention and lack of  
21 strategic vision, thereby requiring the Congress to  
22 both clarify United States policy toward Taiwan and  
23 enhance its oversight role in the implementation of  
24 the Taiwan Relations Act.

1           (6) In October 2010, Taiwan’s National Secu-  
2           rity Bureau (NSB) Director estimated that China  
3           had 1,410 missiles across from Taiwan, mostly in  
4           the southeast, which constitute a threat to regional  
5           security, and other experts suggest that this number  
6           could increase to 1,800 in the near future.

7           (7) The anti-secession law, passed by the Na-  
8           tional People’s Congress of the People’s Republic of  
9           China, was found by House Concurrent Resolution  
10          98, passed in the House of Representatives on  
11          March 16, 2005, by a vote of 424-4, “to create a  
12          legal framework for possible use of force against  
13          Taiwan” and “to provide a legal justification for the  
14          use of force against Taiwan, altering the status quo  
15          in the region, and thus is of grave concern to the  
16          United States.”.

17          (8) The legislative requirement to make avail-  
18          able defensive articles and services should include  
19          the provision of new F-16 C/D aircraft and up-  
20          grades of the existing F-16 A/B fleet essential to  
21          Taiwan’s security.

22          (9) The 2011 Department of Defense’s Annual  
23          Report to Congress on “Military and Security Devel-  
24          opments Involving the People’s Republic of China”  
25          noted that the People’s Liberation Army “seeks the

1        capability to deter Taiwan independence and influ-  
2        ence Taiwan to settle the dispute on Beijing’s  
3        terms” while “developing capabilities intended to  
4        deter, delay, or deny possible U.S. support for the  
5        island in the event of conflict. The balance of cross-  
6        Strait military forces and capabilities continues to  
7        shift in the mainland’s favor.”.

8            (10) The language contained in the Joint  
9        Communiqué of the United States of America and  
10       the People’s Republic of China, dated August 17,  
11       1982, which states in part that “arms sales to Tai-  
12       wan will not exceed, either in qualitative or in quan-  
13       titative terms, the level of those supplied in recent  
14       years” shall not, to any degree, diminish the respon-  
15       sibility of the United States, as legislatively man-  
16       dated in the Taiwan Relations Act, to “ make avail-  
17       able to Taiwan such defense articles and defense  
18       services in such quantity as may be necessary to en-  
19       able Taiwan to maintain a sufficient self-defense ca-  
20       pability.”.

21           (11) The United States has sought diplomati-  
22       cally to preserve Taiwan’s international space, de-  
23       spite outside pressure and coercion, and has sought  
24       to secure Taiwan’s meaningful participation in such

1 international organizations as the World Health Or-  
2 ganization (WHO).

3 (12) Given the critical importance of airport se-  
4 curity in a post-September 11th international envi-  
5 ronment, the United States recognizes it is crucial  
6 for Taiwan to be admitted to meaningful participa-  
7 tion in the International Civil Aviation Organization  
8 (ICAO) so that Taiwan may contribute to the suc-  
9 cess of a global strategy to address aviation security  
10 threats based on effective international cooperation.

11 (13) Given that the Taiwan Relations Act  
12 states that it is the policy of the United States to  
13 “preserve and promote extensive, close, and friendly  
14 commercial, cultural, and other relations between  
15 the people of the United States and the people on  
16 Taiwan,” the Department of Homeland Security  
17 should therefore make it a priority to ascertain what  
18 requirements must be met for Taiwan’s inclusion, at  
19 an early date, in the visa waiver program (VWP) in  
20 order to further enhance those commercial, cultural  
21 and other relations addressed in the Act.

22 (14) The conclusion of the Economic Coopera-  
23 tion Framework Agreement (ECFA) between Tai-  
24 wan and the People’s Republic of China in June  
25 2010 or the adoption of any other cross-Strait eco-

1        nomic measures shall not diminish in any degree the  
2        requirement contained in the Act to “maintain the  
3        capacity of the United States to resist any resort to  
4        force or other forms of coercion that would jeop-  
5        ardize the security, or the social or economic system,  
6        of the people on Taiwan.”.

7            (15) The theory recently put forward in certain  
8        academic circles that the United States should ac-  
9        quiesce to China’s ascendancy in Asia and put aside  
10       the commitments made in the Taiwan Relations Act  
11       is based upon a false premise that ignores the exam-  
12       ple of a democratic Taiwan, the historic ties of  
13       friendship of the peoples of the United States and  
14       Taiwan, and the determination of the United States  
15       to remain as a Pacific power.

16           (16) Total United States–Taiwan trade was ap-  
17       proximately \$57,000,000,000 in 2010, and Taiwan  
18       currently ranks as the ninth largest trading partner  
19       of the United States.

20           (17) It is in the economic interests of the  
21       United States and the national security interests of  
22       Taiwan for our two peoples to further strengthen  
23       and revitalize their trade and investment ties, in-  
24       cluding through an expanded Trans Pacific Partner-  
25       ship (TPP) Agreement or similar mechanism.

1   **SEC. 3. RULE OF CONSTRUCTION.**

2       Nothing in this Act shall be construed to amend or  
3   supersede the Taiwan Relations Act.

4   **TITLE I—POLITICAL RELATIONS**

5   **SEC. 101. RELATIONS WITH THE PEOPLE OF TAIWAN.**

6       The following shall be the policies of the United  
7   States:

8           (1) Supporting Taiwan, Taiwan's democracy,  
9       and the human rights of its people.

10          (2) As noted in the Taiwan Relations Act, "the  
11       absence of diplomatic relations or recognition shall  
12       not affect the application of the laws of the United  
13       States with respect to Taiwan, and the laws of the  
14       United States shall apply with respect to Taiwan in  
15       the manner that the laws of the United States ap-  
16       plied with respect to Taiwan prior to January 1,  
17       1979."

18          (3) The United States Government shall respect  
19       the right of the Taipei Economic and Cultural Rep-  
20       resentative Office (TECRO) to display its flag on its  
21       premises and the American Institute in Taiwan  
22       (AIT) and the residence of its Director in Taipei  
23       shall, correspondingly, publicly display the United  
24       States flag in the same manner as United States  
25       embassies, consulates, and official residences  
26       throughout the world.



1           (4) The Taipei Economic and Cultural Rep-  
2       representative Office and all other instrumentalities es-  
3       tablished by Taiwan, including the Twin Oaks Es-  
4       tate, may conduct official business activities, includ-  
5       ing activities which involve participation by Members  
6       of the United States Congress and other representa-  
7       tives of the Federal, State, and local governments,  
8       without any impediment from the United States  
9       Government or any foreign power.

10 **SEC. 102. VISITS BY CABINET LEVEL OFFICIALS.**

11       (a) FINDINGS.—Congress finds the following:

12           (1) Visits by United States cabinet officials and  
13       other high-ranking visitors are an indicator of the  
14       breadth and depth of ties between the United States  
15       and Taiwan.

16           (2) In December 1992, U.S. Trade Representa-  
17       tive Carla Hills visited Taiwan, marking the first  
18       cabinet-level visit since 1979.

19           (3) Over the next 8 years the administrator of  
20       the U.S. Small Business Administration, the Sec-  
21       retary of Energy, and 2 Secretaries of Transpor-  
22       tation visited Taiwan.

23           (4) No United States cabinet secretary has vis-  
24       ited Taiwan since July 2000.

1           (5) In March 2008, candidate Barack Obama  
2       wrote in a message congratulating Ma Ying-jeou on  
3       his election victory that “[t]he U.S. should reopen  
4       blocked channels of communication with Taiwan of-  
5       ficials”, yet no Cabinet-level visits to Taiwan have  
6       yet taken place.

7       (b) POLICY OF THE UNITED STATES.—It shall be the  
8       policy of the United States to encourage visits by cabinet-  
9       level officials between the United States and Taiwan to  
10      foster commercial, technological, and people-to-people ex-  
11      changes.

12   **SEC. 103. REVISION OF GUIDELINES FOR CONTACTS WITH**  
13                           **TAIWAN.**

14      Notwithstanding the 1994 Taiwan policy review and  
15      current mandatory guidance from the Department of  
16      State regarding contacts with Taiwan, it shall be the pol-  
17      icy of the United States to—

18           (1) permit senior leaders of Taiwan to enter the  
19      United States under conditions which demonstrate  
20      appropriate courtesy and respect for the dignity of  
21      such leaders;

22           (2) permit meetings between high level Tai-  
23      wanese and United States officials in all United  
24      States executive departments;

1           (3) allow official travel to Taiwan for Depart-  
2           ment of State and Department of Defense personnel  
3           above the rank of office director or, for uniformed  
4           military personnel, above the level of 06 (Colonel,  
5           Navy Captain); and

6           (4) support a decision by Taiwan to change the  
7           name of the Taipei Economic and Cultural Rep-  
8           resentative Office to that of the Taiwan Representa-  
9           tive Office.

10 **SEC. 104. REQUIREMENT FOR SENATE CONFIRMATION OF**  
11 **AN INDIVIDUAL APPOINTED TO SERVE AS**  
12 **THE DIRECTOR OF THE AMERICAN INSTI-**  
13 **TUTE IN TAIWAN.**

14       (a) IN GENERAL.—Notwithstanding any other provi-  
15 sion of law, the President shall appoint, by and with the  
16 advice and consent of the Senate, an individual to serve  
17 as the Director of the American Institute in Taiwan.

18       (b) TRANSITION.—The individual serving as the Di-  
19 rector of the American Institute in Taiwan as of the date  
20 of the enactment of this Act may continue to serve in such  
21 capacity until such time as an individual is appointed and  
22 confirmed in accordance with subsection (a).

23 **SEC. 105. EXTRADITION AGREEMENT.**

24       (a) IN GENERAL.—It shall be the policy of the United  
25 States to enhance judicial cooperation with Taiwan, cur-

1 rently conducted on the basis of the 2002 Agreement on  
2 Mutual Legal Assistance in Criminal Matters, by signing  
3 a comprehensive extradition agreement.

4 (b) REPORT.—Not later than 180 days after the date  
5 of enactment of this Act, the President shall transmit to  
6 Congress a report that assesses whether a comprehensive  
7 extradition greement between the United States and Tai-  
8 wan may be submitted to the Senate for advice and con-  
9 sent as a treaty or whether, because of Taiwan's unique  
10 status, such agreement must be submitted to both the  
11 House of Representatives and Senate for legislative ap-  
12 proval.

13 **SEC. 106. CONTINUATION OF THE SIX ASSURANCES AS**  
14 **GUIDELINES IN CONDUCTING UNITED**  
15 **STATES-TAIWAN RELATIONS.**

16 Notwithstanding any communiqués entered into be-  
17 tween the United States and the People's Republic of  
18 China, the United States continues to assent to the six  
19 assurances provided to Taiwan in July, 1982, including  
20 that the United States—

- 21 (1) has not agreed to set a date for ending  
22 arms sales to Taiwan;
- 23 (2) has not agreed to hold prior consultations  
24 with the People's Republic of China on arms sales  
25 to Taiwan;

1           (3) will not play any mediation role between  
2       Taipei and Beijing;

3           (4) has not agreed to revise the Taiwan Rela-  
4       tions Act;

5           (5) has not altered its position regarding sov-  
6       ereignty over Taiwan; and

7           (6) will not exert pressure on Taiwan to nego-  
8       tiate with the People's Republic of China.

9   **SEC. 107. INTERNATIONAL ORGANIZATIONS.**

10       To provide Taiwan with the international space it re-  
11       quires to function effectively in the world community, the  
12       Secretary of State shall direct the Department of State  
13       to continue its annual program to ensure meaningful par-  
14       ticipation by Taiwan in the World Health Assembly in Ge-  
15       neva, Switzerland, as well as meaningful participation for  
16       Taiwan in other relevant international organizations, such  
17       as the International Civil Aviation Organization (ICAO).

18   **SEC. 108. REPORT ON TAIWAN'S PARTICIPATION IN ICAO.**

19       (a) IN GENERAL.—The Secretary of State shall ini-  
20       tiate a United States plan to endorse and obtain meaning-  
21       ful participation for Taiwan at the periodic Assemblies  
22       held by the International Civil Aviation Organization  
23       (ICAO) in Montreal, Canada, and in the meetings and ac-  
24       tivities of the ICAO and shall instruct the United States  
25       delegation to Montreal to implement such plan.

1 (b) REPORT.—Not later than 180 days after the date  
2 of the enactment of this Act and annually thereafter, the  
3 Secretary of State shall submit to Congress a report con-  
4 taining the plan required under subsection (a).

5 (c) FORM.—The report required under subsection (b)  
6 shall be submitted in unclassified form, but may contain  
7 a classified annex if necessary.

8 (d) ANNUAL BRIEFING.—The Secretary of State  
9 should provide an annual briefing to or consult with Con-  
10 gress on any efforts conducted by the United States Gov-  
11 ernment in support of Taiwan’s progress toward meaning-  
12 ful participation in the ICAO.

## 13 **TITLE II—SECURITY RELATIONS**

### 14 **SEC. 201. STRENGTHENING THE DEFENSE OF TAIWAN.**

15 (a) MAINTENANCE OF SUFFICIENT SELF-DEFENSE  
16 CAPABILITIES OF TAIWAN.—Congress finds that any de-  
17 termination of the nature and quantity of defense articles  
18 or defense services to be made available to Taiwan that  
19 is made on any basis other than the defense needs of Tai-  
20 wan, whether pursuant to the August 17, 1982,  
21 Communiqué signed with the People’s Republic of China,  
22 or any similar executive agreement, order, or policy would  
23 violate the intent of Congress specified in section 3(b) of  
24 the Taiwan Relations Act (22 U.S.C. 3302(b)).

1 (b) FOREIGN MILITARY SALES AND LICENSED DE-  
2 FENSE EXPORTS UNDER THE ARMS EXPORT CONTROL  
3 ACT.—Congress finds that, in accordance with the Taiwan  
4 Relations Act, the core purpose of foreign military sales  
5 and licensed commercial exports under the Arms Export  
6 Control Act should be to assist Taiwan in its ability to—

7 (1) deter coercion;

8 (2) defend against a strategy of coercive diplo-  
9 macy employing threats or limited force;

10 (3) repel an invasion; and

11 (4) partner with civil responders and friendly  
12 foreign militaries.

13 (c) DEFENSE TRANSFERS.—In order to accomplish  
14 the purposes of this section, the President is authorized  
15 to make available to Taiwan defense items or defense serv-  
16 ices, including the following:

17 (1) Air and air defense capabilities, including—

18 (A) low-cost, survivable sensors;

19 (B) command and control systems;

20 (C) modern surface to air missiles;

21 (D) upgrades to existing modern combat  
22 aircraft as well as new combat aircraft, includ-  
23 ing Vertical and Short Take-Off and Landing  
24 Aircraft (V/STOL);

1 (E) radar, electronic warfare, and jamming  
2 capabilities;

3 (F) passive defense measures (such as re-  
4 dundancy, dispersal, camouflage/deception,  
5 hardening, and rapid repair capabilities); and

6 (G) access to satellites for remote sensing  
7 and communication.

8 (2) maritime capabilities, including—

9 (A) additional sensor capacity for com-  
10 prehensive maritime domain awareness;

11 (B) cost-effective submarines for anti-sur-  
12 face, anti-submarine warfare, and other mis-  
13 sions;

14 (C) mines and mine countermeasure ves-  
15 sels; and

16 (D) anti-ship cruise missiles.

17 (3) ground capabilities, including—

18 (A) layers, short-range air defense;

19 (B) critical infrastructure protection to en-  
20 sure continuity of government;

21 (C) air mobility;

22 (D) unmanned air vehicles; and

23 (E) accurate, GPS-guided short-range  
24 rockets.



1           (4) Capacity for partnership with friendly for-  
2        eign militaries, including—

3                   (A) command, control, communications,  
4        computers, intelligence, surveillance, and recon-  
5        naissance situational awareness systems;

6                   (B) enhanced doctrine exchange; and

7                   (C) enhanced senior-level training.

8        (d) **RULE OF CONSTRUCTION RELATING TO ARMS**  
9        **EXPORT CONTROL ACT.**—Nothing in this section shall be  
10       construed to supersede or modify section 36 of the Arms  
11       Export Control Act (22 U.S.C. 2776).

12       **SEC. 202. ADVANCED COMBAT AIRCRAFT FOR TAIWAN.**

13       Pursuant to the foreign military sales program au-  
14       thorized by the Arms Export Control Act, it shall be the  
15       policy of the United States to accept a letter of request  
16       from Taiwan for price and availability data or for a formal  
17       sales offer with respect to the F-16C/D Fighting Falcon  
18       multirole fighter aircraft.

19       **SEC. 203. CONSULTATIONS ON TAIWAN ARMS SALES.**

20       (a) **BRIEFINGS.**—Not later than 90 days after the  
21       date of the enactment of this Act and at least annually  
22       thereafter, the Secretary of State, in consultation with the  
23       Secretary of Defense, shall provide detailed briefings to  
24       Congress on—

1           (1) any discussions conducted between any ex-  
2       ecutive branch agency and the Government of Tai-  
3       wan during a covered period; and

4           (2) any potential transfer to the Government of  
5       Taiwan of defense articles or defense services.

6       (b) DEFINITIONS.—In this section and section 201:

7           (1) COVERED PERIOD.—The term “covered pe-  
8       riod” means, with respect to—

9           (A) the initial briefing required under sub-  
10       section (a), the period beginning on the date of  
11       the enactment of this Act and ending on the  
12       date of such initial briefing; and

13          (B) subsequent briefings required under  
14       such subsection, the period beginning on the  
15       day after the date of the most recent briefing  
16       and ending on the date of any such subsequent  
17       briefing.

18          (2) EXECUTIVE BRANCH AGENCY.—The term  
19       “executive branch agency” has the meaning given  
20       the term “agency” in section 551(1) of title 5,  
21       United States Code.

22          (3) DEFENSE ARTICLE.—The term “defense ar-  
23       ticle” has the meaning given such term in section 47  
24       of the Arms Export Control Act (22 U.S.C. 2794).

1           (4) DEFENSE SERVICE.—The term “defense  
2       service” has the meaning given such term in section  
3       47 of the Arms Export Control Act (22 U.S.C.  
4       2794).

5       **SEC. 204. ANNUAL REPORT ON DEFENSE TRANSFERS TO**  
6                               **TAIWAN.**

7       (a) IN GENERAL.—Not later than 180 days after the  
8       date of the enactment of this Act and annually thereafter,  
9       the President shall transmit to Congress a report—

10           (1) detailing each of Taiwan’s requests for pur-  
11       chase of defense articles and defense services during  
12       the immediately preceding one-year period, whether  
13       submitted through a letter of request (LOR) or con-  
14       veyed by other authoritative means, except that the  
15       first report under this section shall cover the period  
16       2006 through 2011;

17           (2) describing the defense needs asserted by  
18       Taiwan as justification for such requests;

19           (3) describing the decision making process used  
20       to reject, postpone, or modify any such request, in-  
21       cluding—

22           (A) with respect to significant military  
23       equipment, the country team assessment and  
24       recommendation as to whether the United  
25       States should sell such equipment; and

1 (B) for each request, the elapse of time be-  
2 tween the submission of such request and the  
3 completion of the interagency review process by  
4 the United States; and

5 (4) detailing those defense articles and defense  
6 services listed in the Arms Sale Proposal described  
7 in section 25 of the Arms Export Control Act (22  
8 U.S.C. 2765), including a description of the ration-  
9 ale for including or not including in such Proposal,  
10 as the case may be, all sales and licensed exports to  
11 Taiwan under such Act of major weapons or weap-  
12 ons-related defense equipment for \$7,000,000 or  
13 more, and the extent to which a decision to not in-  
14 clude in such Proposal such sales to Taiwan is con-  
15 sistent with such section.

16 (b) FORM.—The report required under subsection (a)  
17 shall be submitted in unclassified form, but may contain  
18 a classified annex if necessary.

19 **SEC. 205. REPORT ON IMPLEMENTATION OF TAIWAN RELA-**  
20 **TIONS ACT.**

21 (a) IN GENERAL.—Not later than 180 days after the  
22 date of the enactment of this Act, the President shall sub-  
23 mit to Congress a report on implementation of United  
24 States security policy under the Taiwan Relations Act.

1 (b) MATTERS TO BE INCLUDED.—The report re-  
2 quired under subsection (a) shall include, at a minimum,  
3 the following issues:

4 (1) A review of the operational planning, policy  
5 reviews, and other preparations of the United States  
6 since 2000 to implement section 2(b)(6) and sub-  
7 sections (a), (b), and (c) of section 3 of the Taiwan  
8 Relations Act, including the extent to which the  
9 United States retains the capacity to resist any re-  
10 sort to force or other forms of coercion that would  
11 jeopardize the security, or the social or economic  
12 system, of the people of Taiwan. Such review shall  
13 take into account whether Taiwan's air and air de-  
14 fense forces retain the ability to effectively defend  
15 Taiwan against China's ballistic missile and air  
16 threats, and the extent to which the absence of cred-  
17 ible Taiwanese air defense forces may complicate the  
18 ability of the United States to resist any resort to  
19 force that jeopardizes the security of Taiwan.

20 (2) An evaluation of all gaps in relevant knowl-  
21 edge about the People's Republic of China's capabili-  
22 ties and intentions as such might affect the current  
23 and future military balance between Taiwan and  
24 China, such as anti-access and area denial capabili-  
25 ties as well as anti-satellite and space warfare devel-

1       opments, including both classified United States in-  
2       telligence information and Chinese open source writ-  
3       ing.

4       (c) FORM.—The report required under subsection (a)  
5       shall be submitted in unclassified form, but may contain  
6       a classified annex if necessary.

## 7           **TITLE III—ECONOMIC AND** 8           **TRADE RELATIONS**

### 9       **SEC. 301. VISA WAIVER TREATMENT FOR TAIWANESE TRAV-** 10       **ELERS TO THE UNITED STATES.**

11       (a) STATEMENT OF POLICY.—It shall be the policy  
12       of the United States to include Taiwan in the list of coun-  
13       tries that participate in the visa waiver program under  
14       section 217 of the Immigration and Nationality Act (8  
15       U.S.C. 1187) when Taiwan satisfies the requirements for  
16       inclusion in such program specified in such section.

17       (b) REPORT.—Not later than 180 days after the date  
18       of enactment of this Act, the Secretary of State shall sub-  
19       mit to the Committee on Foreign Affairs and the Com-  
20       mittee on Homeland Security of the House of Representa-  
21       tives and the Committee on Foreign Relations and the  
22       Committee on Homeland Security and Governmental Af-  
23       fairs of the Senate a report on the extent to which Taiwan  
24       satisfies the requirements specified in section 217 of the  
25       Immigration and Nationality Act for inclusion in the visa

1 waiver program under such section and what additional  
2 steps, if any, are required in order for Taiwan to qualify  
3 for inclusion in such program.

4 **SEC. 302. TRADE AND INVESTMENT FRAMEWORK AGREE-**  
5 **MENT.**

6 It is the sense of Congress that, at the earliest oppor-  
7 tunity, the United States Trade Representative should  
8 seek to resume and successfully conclude negotiations of  
9 economic issues in the Trade and Investment Framework  
10 Agreement (TIFA) talks with Taiwan.

11 **SEC. 303. FREE TRADE AGREEMENT.**

12 (a) IN GENERAL.—It is the sense of Congress that  
13 the ultimate goal of trade negotiations with Taiwan should  
14 be the negotiation of a free trade agreement with Taiwan.  
15 As building blocks toward that goal, the United States  
16 should study the feasibility of negotiating with Taiwan a  
17 bilateral—

18 (1) investment agreement; and

19 (2) tax agreement.

20 (b) REPORT.—Not later than 180 days after the date  
21 of enactment of this Act, the President shall transmit to  
22 Congress a report that assesses whether economic and  
23 trade agreements between the United States and Taiwan  
24 may be submitted to the Senate for advice and consent  
25 as a treaty or whether, because of Taiwan's unique status,

- 1 such agreements must be submitted to both the House of
- 2 Representatives and Senate for legislative approval.